

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FEB 16 2006

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DEPUTY  
SPOKANE, WASHINGTON

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

15.6 ACRES OF LAND, *et al.*

Defendants.

NO. CV-04-5016-RHW

JUDGMENT ON STIPULATION

The above-entitled matter came on regularly for hearing this day upon the stipulation of the parties for the entry of judgment determining the just compensation to be paid for the acquisition by the plaintiff of the lands and premises designated in the Declaration of Taking filed on January 29, 2004, and said lands and interests are described in Schedule B attached thereto.

The stipulating defendants have appeared and submitted to the jurisdiction of the Court, have waived service of notice of hearing on this stipulation, have waived trial by jury, and have agreed that the sum of Twenty Thousand Dollars (\$20,000.00) constitutes full and just compensation for the acquisition of the lands designated in Schedule B of the Declaration of Taking filed on January 29, 2004, including all damages arising therefrom. The stipulating defendants further agree that this sum should be subject to all liens, encumbrances and charges of whatsoever nature existing against the property at the time of acquisition, and that any and all awards of compensation ascertained and awarded in this proceeding and established by judgment herein in favor of any parties now or subsequently

1 named as defendants herein should be payable and deductible therefrom. The  
 2 stipulating defendants have consented to the entry of all orders, judgments, and  
 3 decrees necessary and appropriate to effectuate the stipulation.

4 The Court having considered the pleadings on file, including the stipulation  
 5 and the proof in connection therewith, having found the sum below stated to be the  
 6 fair market value of the acquisition of the interests in said lands and having full  
 7 and complete jurisdiction of the parties and the subject matter, and being fully  
 8 advised in the premises,

9 **HEREBY ORDERS, ADJUDGES AND DECREES that:**

10 1. The plaintiff, the United States of America, had the right under the  
 11 authorities set forth in the Complaint in Condemnation and the Declaration of  
 12 Taking on file in this cause to condemn for public use the interests upon the lands  
 13 which are the subject matter of this action, which lands and interests are described  
 14 and set forth in Schedule B of the Declaration of Taking filed on January 29, 2004.

15 2. At the time of the institution of this action and the filing of the  
 16 Declaration of Taking herein, no person, firm or private or municipal corporation  
 17 had or claimed any right, title or interest whatsoever in or to said property, and  
 18 there existed against the same no liens, encumbrances, taxes, assessments, claims,  
 19 rights or charges of whatsoever nature, except as follows:

<u>NAME</u>	<u>INTEREST</u>
Joseph A. Balmelli 132 Newaukum Valley Road Chehalis, WA 98532	Purported Owner
Donna F. Balmelli 132 Newaukum Valley Road Chehalis, WA 98532	Purported Owner

1	<u>NAME</u>	<u>INTEREST</u>
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2	Bobbie Gagner, County Auditor	Possible Interest*
3	Benton County	
4	5600-B West Canal Place A-103	
5	Kennewick, WA 99336	

6	*Benton County filed a Disclaimer of Interest	
7	Other Than Tax Assessment Lien on	
8	March 19, 2004	

9           3.     The sum of Twenty Thousand Dollars (\$20,000.00), inclusive of  
10 interest, is the fair market value and the full amount of just compensation to be  
11 paid for the acquisition by the United States of America of the lands designated in  
12 Schedule B, as said lands and interests therein are set forth and described in  
13 Schedule B, including all damages of whatsoever nature arising from said  
14 acquisition, and said sum shall constitute full settlement of all claims against the  
15 United States of America including for fees or expenses by reason of the  
16 institution and prosecution of this action and the final award of just compensation  
17 for such acquisition.

18           4.     The sum of Nine Thousand Three Hundred Sixty Dollars (\$9,360.00)  
19 deposited by the United States of America into the registry of Court as estimated  
20 compensation on January 29, 2004, is hereby applied to the total amount of  
21 compensation to be paid. Additionally, the sum of approximately Thirty Dollars  
22 (\$30.00) in interest after deduction of 10% for judicial costs has accrued on the  
23 estimated compensation and is hereby directed to be paid to stipulating  
24 defendants.

25           5.     An additional judgment is entered against the United States of  
26 America and in favor of the stipulating defendants in the sum of Ten Thousand Six  
27

1 Hundred Forty Dollars and 00/100 (\$10,640.00). The total sum of Twenty  
2 Thousand Dollars (\$20,000.00) plus the actual interest which has accrued after  
3 deduction for judicial costs is ordered to be paid out as follows:

4 TO: Joseph A. Balmelli and Donna F. Balmelli  
5 c/o Larry Fagerness  
6 P.O. Box 88  
Centralia, WA 98531

7  
8 6. The above-named stipulating defendants are the only persons or  
9 parties having any interest in the compensation to be paid by the United States of  
10 America for the acquisition of the lands and interests therein set forth in  
11 Schedule B of the Declaration of Taking.

12 7. The interests in the lands as set forth and described in Schedule B  
13 vested in the United States of America on January 29, 2004, free and clear of all  
14 charges, liens, encumbrances, taxes, claims and interests of any kind or character,  
15 whatsoever.

16 DATED this 10<sup>th</sup> day of February, 2006.

17  
18   
19 ROBERT H. WHALEY  
CHIEF UNITED STATES DISTRICT JUDGE

20 Presented by

21 JAMES A. McDEVITT  
United States Attorney

22 s/ Pamela J. DeRusha  
23 PAMELA J. DERUSHA  
24 Assistant United States Attorney  
Attorney for Plaintiff  
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